

Senate Study Bill 3115 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act relating to the permanent disability of the governor to
2 discharge the duties of the office.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **7.14A Permanent disability of**
2 **governor.**

3 1. *a.* A court, as described in subsection 2, shall convene
4 to determine whether the governor is permanently unable to
5 discharge the duties of the office if a declaration stating
6 that the governor is permanently disabled is signed by at
7 least three of the five following persons and transmitted to
8 the president of the senate and the speaker of the house of
9 representatives:

10 (1) The chief justice of the supreme court.

11 (2) The lieutenant governor.

12 (3) The governor's chief of staff.

13 (4) The governor's personal physician.

14 (5) A statewide elected official, as defined in section
15 68B.2, other than the governor or lieutenant governor,
16 designated in advance by the governor.

17 *b.* Until the governor designates a statewide elected
18 official pursuant to paragraph "a", subparagraph (5), the
19 auditor of state shall be deemed to have been so designated.

20 2. *a.* Within forty-eight hours of receipt by the president
21 of the senate and the speaker of the house of representatives
22 of a declaration under subsection 1, the senate and house of
23 representatives shall meet in a joint session and be organized
24 as a court, presided over by the chief justice of the supreme
25 court, to hear evidence regarding the permanent disability
26 of the governor to discharge the duties of the office. The
27 court organized pursuant to this paragraph shall be governed
28 according to the applicable provisions of sections 68.9 through
29 68.12 and the governor shall have the right to be represented
30 by counsel.

31 *b.* After the taking of evidence pursuant to paragraph "a"
32 has concluded, each house of the general assembly shall meet
33 separately to vote upon whether the governor is permanently
34 unable to discharge the duties of the office.

35 (1) A finding that the governor is permanently unable to

1 discharge the duties of the office shall require an affirmative
2 vote of two-thirds of the members of each house.

3 (2) If, within twenty-one days of assembling pursuant to
4 paragraph "a", the senate and house of representatives both
5 determine pursuant to subparagraph (1) that the governor is
6 permanently unable to discharge the duties of the office,
7 the governor shall immediately vacate and the lieutenant
8 governor shall immediately assume the office of the governor.
9 Otherwise, the governor shall retain the office.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to the process for determining whether the
14 governor is permanently unable to discharge the duties of the
15 office. The bill requires at least three of the five following
16 persons to sign a declaration that the governor is permanently
17 disabled prior to the convening of a trial: the chief justice
18 of the supreme court, the lieutenant governor, the governor's
19 chief of staff, the governor's personal physician, and a
20 statewide elected official, as defined in Code section 68B.2,
21 designated in advance by the governor. Until the governor
22 designates a statewide elected official, the auditor of state
23 shall be deemed to have been so designated. Within 48 hours
24 of the receipt of such a declaration by the president of the
25 senate and the speaker of the house, the bill requires the
26 general assembly to meet in a joint session and organize as a
27 court presided over by the chief justice of the supreme court.

28 A court organized pursuant to the bill has the powers of
29 a court of impeachment organized under Code chapter 68 and
30 the governor has the right to be represented by counsel. The
31 court shall take evidence to determine whether the governor
32 is permanently unable to discharge the duties of the office.
33 After the taking of evidence has concluded, the bill directs
34 each chamber of the general assembly to meet separately and
35 vote upon whether the governor is permanently disabled. If

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1 2/3 of the members of each chamber vote, within 21 days, to
2 find the governor permanently disabled, the governor shall
3 immediately vacate the office and the lieutenant governor shall
4 immediately become the governor. Otherwise, the governor shall
5 retain the office.